

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KIMBERLY C. CUTONE, et al.,

Plaintiffs,

V.

ELI LILLY AND COMPANY, BRISTOL-MYERS
SQUIBB COMPANY, PHARMACIA AND UPJOHN
COMPANY, PREMO PHARMACEUTICAL
LABORATORIES, INC., DART INDUSTRIES, INC.
and WYETH-AYERST LABORATORIES,

Defendants.

CIVIL ACTION
NO. 1:04-CV-12725-RCL

LOCAL RULE 16.1(D)(3) CERTIFICATION

Pursuant to Local Rule 16.1(D)(3), defendant Wyeth (sued herein as “Wyeth -Ayerst Laboratories”) certifies as follows:

Wyeth has conferred with its outside counsel with a view towards establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation and to consider the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4 (such as the use of a mini-trial, a summary jury trial, or mediation).

WYETH,

WYETH,

By its attorneys,

/s/ Howard M. Cyr

Howard M. Cyr, III, Esq.
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WYETH

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DATED: April 5, 2005